

IN RE:

MARVIN BURNETT, SR.  
DEBORAH MAE BURNETT  
DEBTORS

JOHN C. MELARAGNO, TRUSTEE  
MOVANT

VS.

MARVIN BURNETT, SR.  
DEBORAH MAE BURNETT  
RESPONDENTS.

CASE NO. 18-11110-TPA

CHAPTER 7

RELATED DOCUMENT NO. 41

**ORDER**

***AND NOW***, to-wit, this ***9th*** day of ***July, 2020***, it is hereby ORDERED, ADJUDGED AND DECREED that the ***Motion to Approve Settlement, Motion to Approve Payment of Debtor's Exemptions and Motion to Approve Special Counsel Compensation*** is GRANTED.

FURTHER ORDERED THAT:

1. The settlement of the Debtor's claim against the product manufacturer of the metal-on-metal hip is approved for the sum of \$142,908.68;

2. Attorney's Fees in the amount of total amount of \$56,363.47 are approved and payable to Nash & Franciskato in the amount of \$28,181.74 and Maglio Christopher & Toale in the amount of \$28,181.73.

3. Reimbursement of case specific expenses to Nash & Franciskato are approved in the amount of \$6,020.04;

4. Reimbursement of case specific expenses to Maglio Christopher & Toale are approved in the amount of \$12,985.84;

5. The payment of the Debtor's claimed exemptions to Marvin Burnett, Sr. in the combined amount of \$36,300.00 are approved; and

6. After payment of the above fees, expenses, and Debtor's exemption, the net proceeds of settlement in the amount of \$31,239.33 shall be paid to "John C. Melaragno, Trustee" and said sum shall be held by the Trustee pending further Order of Court; and

7. The proposed payment of the settlement funds in two installments, one within 30 days of receipt of a signed settlement agreement or by August 31, 2020, whichever occurs later, and the second on or before January 31, 2021 and the following disbursements therefrom, is APPROVED.

- a. From the first installment of \$42,272.60,
  - i. The sum of \$25,266.72 shall be paid to Marvin Burnett, Sr., as partial payment of his claimed exemptions; and
  - ii. The sum of \$19,005.88 shall be paid to Special Counsel as reimbursement of the costs and expenses incurred in the prosecution of this matter.
- b. From the second installment of \$98,636.08,
  - i. The sum of \$11,033.28 shall be paid to Marvin Burnett, Sr., as final payment of his remaining claimed exemptions balance.
  - ii. The sum of \$28,181.74 shall be paid to Nash & Franciskato for attorney's fees.
  - iii. The sum of \$28,181.73 shall be paid to Maglio Christopher & Toale for attorney's fees;
  - iv. The balance of the settlement proceeds, \$31,239.33, shall be paid to John C. Melaragno, Trustee, to be held pending further order of Court.

7. The Chapter 7 Trustee, John C. Melaragno, is authorized to execute any and all settlement forms, releases and/or any other documents required to finalize this settlement on behalf of the Debtors and/or Estate.

By The Court:  
  
Thomas P. Agresti, Judge  
United States Bankruptcy Court

**Certificate of Notice Page 3 of 3**  
**United States Bankruptcy Court**  
**Western District of Pennsylvania**

In re:  
 Marvin Burnett, Sr.  
 Deborah Mae Burnett  
 Debtors

Case No. 18-11110-TPA  
 Chapter 7

**CERTIFICATE OF NOTICE**

District/off: 0315-1

User: agro  
 Form ID: pdf900

Page 1 of 1  
 Total Noticed: 3

Date Rcvd: Jul 09, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 11, 2020.

|        |  |
|--------|--|
| db/jdb | +Marvin Burnett, Sr., Deborah Mae Burnett, 1112 South Main St, Meadville, PA 16335-3130  |
| sp     | +Brian S. Franciskato, Nash & Franciskato Law Firm, Two Pershing Square, 2300 Main Street, Suite 170, Kansas City, MO 64108-2415 |
| sp     | Maglio Christopher & Toale, The Ellis Building, 16505 Main Street, Suite 710, Sarasota, FL 34236                                 |

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 11, 2020

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 9, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY) bkgroup@kmlawgroup.com  
 James Warmbrodt on behalf of Creditor Ditech Financial LLC as servicer for Wells Fargo Bank, National Association, not in its individual or banking capacity, but solely as Trustee on behalf of the Lake Country Mortgage Loan Trust 2006-HE1 bkgroup@kmlawgroup.com  
 John C. Melaragno, Trustee johnm@mplegal.com,  
 jmalaragno@IQ7technology.com;katie@mplegal.com;kbernsley@hotmail.com;john.mello21@gmail.com;ecf.alert+Melaragno@titlexi.com  
 John C. Melaragno, Trustee on behalf of Trustee John C. Melaragno, Trustee johnm@mplegal.com,  
 jmalaragno@IQ7technology.com;katie@mplegal.com;kbernsley@hotmail.com;john.mello21@gmail.com;ecf.alert+Melaragno@titlexi.com  
 John Wesley Rowden on behalf of Joint Debtor Deborah Mae Burnett jwrowden@yahoo.com,  
 elizdugan@yahoo.com;rowdenjr77560@notify.bestcase.com  
 John Wesley Rowden on behalf of Debtor Marvin Burnett, Sr. jwrowden@yahoo.com,  
 elizdugan@yahoo.com;rowdenjr77560@notify.bestcase.com  
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov

TOTAL: 7